

Section 5310 State Management Plan New Hampshire Department of Transportation

1.1 Introduction. This document spells out the policies and procedures of the New Hampshire Department of Transportation in administration of the Section 5310 Elderly & Disabled Mobility program. As a general rule, the Department's requirements for this program are those of the Federal Transit Administration (FTA). These are spelled out in the program guidance circular published by FTA for the Section 5310 program, FTA C. 9070.1E.

1.2 Roles and Responsibilities. The New Hampshire Department of Transportation has been designated by order of the governor as the agency responsible for state administration of FTA public transportation programs. Within the Department, that responsibility falls upon the Bureau of Rail & Transit. The Bureau works with other state agencies involved in funding transportation services, as well as regional planning commissions and local jurisdictions, in its administration of the Section 5310 program.

2.1 Section 5310 Program Goals. The goals of the Section 5310 program are:

- To enhance the access of elderly and disabled people to health care, shopping, education, employment, public services and recreation;
- To improve the quality and availability of specialized transportation;
- To facilitate the most efficient use of all Federal funds used to support specialized transportation through coordination of services; and
- To encourage the maximum feasible participation of public transportation providers in specialized transportation.

2.2 Section 5310 Program Objectives. The Department's objectives in administering the Section 5310 program are:

- To make the maximum use of the state's formula allocation by targeting available Section 5310 funds according to demonstrated need and the effectiveness of existing service;
- To monitor performance measures of recipients to encourage improved effectiveness and efficiency from year to year;
- To use streamlined, efficient procedures for applications, drawdown of funds, and reporting by recipients to keep administrative burdens to a minimum.

2.3 Program Eligibility. The state does not impose any limitation on Section 5310 recipients, services, or assistance categories more restrictive than those established by FTA. Eligible recipients are private nonprofit corporations and public agencies that are the designated operators of coordinated transportation. Such a designation would be made by the Department after consulting with other state agencies and interested parties, such as regional planning agencies, and would be contingent on approval of a coordination plan encompassing human services transportation in the community or region involved. A public body indicating that no nonprofit operator exists in its area would also have to be so designated in order to be eligible for Section 5310 funding. Eligible expenses are capital expenses related to transportation services for elderly and disabled persons. These include: buses, vans, radios and communications equipment; wheelchair lifts and securements; and computer hardware and software for transportation applications. The Department will not provide funds for contracted operating expenses unless funding exceeds capital needs in its judgment.

2.4 Local Share and Funding Requirements. Local Section 5310 recipients are responsible for providing 20% of the project cost. The Department will provide other sources of funding to augment these funds, if available.

3.1 Project Selection Criteria. Projects are selected for grant awards based on the following criteria (not listed in order of importance) In general, proposals to buy vehicles to enable an existing service to continue (replacement vehicles) receive a higher priority than initiation of new services.

- The extent to which the vehicle(s) requested will serve a broad base of riders; the absence of restrictions on vehicle use.
- The applicant's experience and record in transportation, including maintenance and driver training.
- The applicant's financial ability to sustain the project.
- The applicant's history of coordination/cooperation with other transportation providers in its area.
- Equitable geographic distribution of projects throughout the state.

3.2 Distribution of Funds. The Department will consider applications from all regions of the state. In selecting applicants, the Department solicits opinions from an interagency coordination working group representing other state agencies that provide funding for human services transportation, to assess applications and coordinate funding to the greatest extent possible. The Section 5310 selection process seeks to extend service to a wide range of geographical regions as well as minority and disadvantaged groups.

3.3 Planning. The state and regional transportation planning process contributes to the development of service planning and improvements in the Section 5310 program. The Department uses FTA planning funds to assess transportation needs in non-urbanized areas through contracts with consultants, transit operators or regional planning agencies as appropriate. These plans, as well as those developed by metropolitan planning organizations, play an important part in the design of transit services. The Department includes the Section 5310 program funds in the Statewide Transportation Improvement Program (STIP).

3.4 Program of Projects Development. Approximately five months before submission of the program of projects to FTA, the Department announces the availability of applications and program guidelines. Applications are due one to two months prior to the submission to FTA. Department staff review each application for content and compliance with all requirements, and after consulting with the interagency coordination working group make awards based on the criteria listed in 3.1 above. The program of projects is submitted to the FTA regional office.

4.1 Coordination. The Department strongly encourages coordination of public transportation services supported by FTA and other federal sources. The Section 5310 application requires potential recipients to spell out their efforts at coordination with other providers. The Department attempts to achieve coordination through the interagency working group. The Department requires all Section 5310 applicants to offer Section 5311 and other transportation operators in their community the opportunity to review their request to the Department. A capital grant will not normally be awarded to a provider in a community served by a Section 5307 or 5311-funded operator unless that operator certifies that it cannot feasibly provide the proposed service. Each applicant must publish a newspaper notice of its application to afford the general public the opportunity to comment on the pending request for funds. The Department actively seeks, through participation in committees, studies, and demonstration and technical assistance projects, to coordinate funding provided by other sources in a similar manner.

5.1 Private Sector Participation. The Department requires Section 5310 applicants to explain their private sector participation program. The public notice cited in 4.1 affords an opportunity for private operators to express interest in operating the proposed service or portions thereof. The Department requires each recipient to have in place a procedure for hearing and resolving any complaints from private operators, and to inform the Department of any changes in such procedure. In the event a complaint cannot be resolved at the recipient level, the Department will mediate the complaint.

6.1 State Administration and Technical Assistance. The Department utilizes its share of the Section 5310 grant to cover expenses related to program administration, compliance monitoring, and technical assistance. These expenses include salaries and benefits, overhead, office expenses, equipment, travel, and other approved administrative costs. Technical assistance includes advice to recipients of their regulatory obligations, both state and federal; assistance with financial management of recipients' programs; site visits and meetings with boards and staff of recipients as appropriate; and other assistance as needed. More specific technical assistance targeted to program areas is provided through the Rural Transit Assistance Program.

6.2 Program Management. The Department enters into an annual contract with each Section 5310 recipient. The contract requires adherence to FTA and state guidelines for program management.

6.2.1 Equipment procurement. Vehicles are procured by the Department of Administrative Services, Division of Plant and Property, in compliance with state purchasing regulations and federal regulations, including 49 CFR Part 18 and FTA Circular 4220.1D. In the event a recipient is able to participate in a procurement by another agency capable of realizing economies of scale and complying with procurement regulations, the Department will consider a request to depart from exclusive state procurement. Recipients may purchase other equipment such as radios directly under small purchase requirements. Title to equipment rests with the recipient, but the Department holds a security interest or lien throughout the useful life of the equipment and is responsible for protecting the federal interest in the property.

6.2.2 Equipment management. Each recipient's contract requires compliance with vehicle maintenance guidelines in the interest of operating safe, clean, and properly functioning vehicles. Recipients are bound by contract to operate vehicles only for those elderly and disabled transportation services specified in their application, unless the Department approves other uses consistent with the Section 5310 program. The Department conducts an on-site inspection of vehicles annually to evaluate their condition and verify their current use. Evidence of adequate levels of insurance on vehicles and passengers must be presented to the Department.

6.2.3 Vehicle disposition. The Department has established the following useful life thresholds for all vehicles: vans, sedans or station wagons, 4 years or 100,000 miles; small buses, school buses, or minibuses, 6 years or 150,000 miles; transit buses under 30 feet, 7 years or 200,000 miles; 30-34 feet, 10 years or 300,000 miles; 35 feet or over, 12 years or 500,000 miles; over-the-road coaches, 12 years or 1,000,000 miles (whichever comes first). Vehicles that have not reached the useful life threshold may be sold only with the approval of the Department under unusual circumstances, if appropriate reimbursements are made. Vehicles beyond the useful life threshold may be sold for fair market value or at the state surplus property auction. All proceeds from equipment sales must be dedicated to the recipient's transportation program. The Department may require transfer of vehicles to other eligible recipients if their use does not meet minimum mileage thresholds or is not consistent with program purposes, or if the vehicle is no longer needed for elderly and disabled transportation. In such an event, the agency receiving the vehicle may have to pay the appropriate local share to the agency from which the vehicle was transferred.

6.2.4 Other reporting requirements. Each recipient is required to submit a quarterly narrative report of program activities; a quarterly performance report detailing costs, revenues, service hours and miles, passenger trips and other pertinent information; accident reports if applicable; and evidence of workers compensation insurance.

7.1 Compliance monitoring. It is an important part of the Department's administrative function to monitor compliance with all federal and state requirements. The Department requires a certification of compliance by each recipient and verifies compliance through periodic reporting, site visits or discussions, and audit procedures.

7.1.1 Civil Rights. The Department's Section 5310 application requires recipients to provide the civil rights information specified in the Section 5310 circular, including any active lawsuits or complaints alleging discrimination, a description of other sources of revenue, including Federal agencies, and the minority population in the service area. Each recipient must have a signed DOT Title VI Assurance and FTA Civil Rights Assurance on file with the Department. With regard to the Equal Employment Opportunity requirements, the Department requires the civil rights assurances to certify compliance. In the event that a Section 5310 recipient exceeded the thresholds for EEO requirements, a full EEO program would be required.

7.1.2 Section 504/ADA. The Section 5310 application requires a description of services to elderly and disabled individuals. The Department reviews this information to determine whether the proposed services are sufficient to comply with the Americans with Disabilities Act, Section 504 and pertinent regulations. In its capital purchases under Section 5310, the state complies with ADA regulations, and any grantee purchases are also monitored for ADA compliance.

7.1.3 Other requirements. Additional regulatory requirements are addressed in the Section 5310 application process, by requiring the specified clauses, certifications or assurances to be signed by each recipient. These include, but are not limited to, Buy America, environmental protection, labor protection, lobbying restrictions, pre-award and post-delivery audit, and school bus regulations. The Department distributes pertinent information on these requirements to each recipient, briefs each recipient as necessary, and, in the case of complex regulations such as drug and alcohol testing, arranges workshops or other meetings to provide the available information on the regulation to recipients.

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